

In the Matter of Merchant Mariner's Document No. Z-751595-D3  
and all other Seaman Documents  
Issued to: ALVIN FREEDMAN

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1433

ALVIN FREEDMAN

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 14 May 1963, an Examiner of the United States Coast Guard at New York, New York suspended Appellant's seaman documents for three months on twelve months' probation upon finding him guilty of misconduct. The allegations in the specifications were proved by evidence that while serving as a quartermaster on board the United States SS BRASIL under authority of the document above described, in January 1963, Appellant spoke disrespectfully to the ship's officers on seven occasions, failed to obey two lawful orders given by a ship's officer, and was once absent from the ship without permission.

At the hearing, Appellant elected to act as his own counsel. Appellant entered a plea of not guilty to the charge and each specification.

At the end of the hearing, the Examiner rendered a decision in which he concluded that the charge and specifications had been proved.

OPINION

The detailed findings of fact made by the Examiner are incorporated herein by reference to his decision of 14 May 1963.

The testimony of four ship's officers, including the Staff Captain and Master, abundantly supports the allegations and Appellant admitted using the language which the Examiner rightfully concluded was disrespectful. Therefore, it is not material that no entry was made in the ship's Official Logbook with respect to some of the offenses.

Appellant's claims, that he acted as he did because he was not treated with respect but was treated inhumanly and also because he

was required to work more than eight hours a day, are not supported by the record.

Similarly, there is no substance to the contentions that Appellant was limited to five subpoenas by the Examiner or that evidence was improperly suppressed by the failure to call certain witnesses and the refusal of the Examiner to allow a witness to answer a question.

The order of the Examiner, which consists of an entirely probationary suspension, is extremely lenient under the circumstances and it will be sustained.

ORDER

The order of the Examiner dated at New York, New York, on 14 May 1963, is AFFIRMED.

E. J. Roland  
Admiral, United States Coast Guard  
Commandant

Signed at Washington, D. C., this 12th day of December 1963.